

### REMARKS

Claim 1 has been amended. Claim 18 has been added. No new matter has been added. Claims 1 to 9 and 18 are now pending. Applicants respectfully request reconsideration of the present application in view of this response.

Claims 1 to 3 and 5 to 9 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,896,427 to Muntz et al. ("Muntz reference").

Applicants respectfully submit that the Muntz reference does not identically describe or suggest each and every feature of the claims, as required for anticipation.

The Muntz reference recites a network node destination module for ensuring proper reception and transmission of information over a network having an optional network reference clock including an input stage for receiving the information, a synchronous residual time stamp (SRTS) timing control stage for implementing digital phase comparison techniques utilizing the network reference clock, and a clock generation stage for generating a transmit clock in response to a control value generated by the SRTS timing control stage. The Muntz reference further recites that the SRTS timing control stage includes an RTS sample generator for generating a local RTS sample for comparison with the source RTS sample to determine a current phase offset between the source and clocks. The current phase offset is then compared to a target phase offset stored in a phase register to generate a control value. The clock generating stage adjusts the transmit clock in response to a filtered control value and transmits the source data to the destination CPE at the adjusted transmit clock frequency. By maintaining a constant phase offset, the frequencies of the receive clock of the source node and the transmit clock of the destination node are synchronized, thereby providing CBR service. In addition to performing SRTS clock recover techniques, the destination module may also be configured to perform adaptive clock recover (ACR) and synchronous network clock SNC techniques.

In contrast, claim 1 of the present invention concerns a device for receiving data transmitted using *asynchronous* data transmission technology. The device includes a data-independent clock signal and a memory device, and stores the received data for the required period of time in order to compensate for transmission delays. *The clock signal is sent to the memory device for readout of the data.* The Muntz reference is not believed to address this situation as discussed above.

Accordingly, Applicants respectfully submit that claims 1 to 3 and 5 to 9 are allowable.

Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Muntz reference in view of an "Official Notice."

Claim 4 depends from claim 1, and is therefore allowable over the Muntz reference for at least the same reasons as claim 1. The Official Notice that it would be obvious to configure a device to delay data does not cure the deficiencies of the Muntz reference

discussed above. Moreover, Applicants respectfully submit that the Official Notice is not proper and that it is not obvious that the FIFO memory in the Muntz reference store data for the specific period of 100  $\Phi$ s to 250  $\Phi$ s per switching node.

Accordingly, Applicants respectfully submit that claim 4 is allowable, and request the withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 4 over the Muntz reference.

New claim 18 has been added. Support for the claim can be found in the originally filed claim 1, and in the Specification. No new matter has been added.

#### CONCLUSION

In view of the foregoing, it is believed that the rejections of the claims under 35 U.S.C. §§ 102(e), 103(a), have been overcome, and that claims 1 to 9 are allowable. It is therefore respectfully requested that any rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,  
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